THE HONOURABLE SRI JUSTICE V. ESWARAIAH

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WRIT PETITION NO.5120 OF 2006

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Dated: 16-03-2006

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BETWEEN:

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1. K. Manjunath, S/o. K. Mallaiah and

three others … Petitioners

and

The Mandal Revenue Officer,

Kundirpi Mandal,

Anantapur District … Respondent

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

–

WRIT PETITION NO.5120 OF 2006

ORDER:

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Seeking to declare the inaction of the respondent in trying to demolish petitioners' cattle shed and compound wall, which was constructed after getting possession certificates issued by the respondent in H.S.R.Dis.No.11/1413, dated 07-08-2003, without issuing notice and without following due process of law as illegal and arbitrary, petitioners filed the present petition.

Heard the learned counsel for the petitioners and the learned Government Pleader for the respondent and perused the material on record.

It is the case of the petitioners that the respondent has issued possession certificates in H.S.R.Dis.No.11/1413, dated 07-08-2003 to an extent of 70 feet X 15 feet to each of the petitioners in respect of Survey No.260, situated at Kundirpi village and Mandal, Anantapur District within the specified boundaries. It is stated that after obtaining possession certificates, the petitioners have constructed cattle sheds in their respective sites without violating any rules and regulations of the assignment laws. It is also stated that the respondent without following due process of law, threatening the petitioners to demolish their structures.

In that view of the matter, if there is any violation in the assignment of house site pattas or possession certificates, it is always open to the respondent to take appropriate action after giving due notices to the petitioners. But without following the procedure prescribed under law, respondent cannot demolish the structures of the petitioners or dispossess the petitioners.

Having regard to the facts and circumstances of the case, respondent is directed not to demolish the structures of the petitioners or dispossess the petitioners from their respective patta lands without following due process of law.

Writ petition is accordingly disposed of. No order as to costs.

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V. ESWARAIAH, J.

Dated: 16-03-2006

Note:

Issue C.C. within three days.

(B/O)

RNS

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